

REMARKS

Claims 1-7 are pending in this application. By this Amendment, claims 1-4 are amended and claim 9 is canceled without prejudice to or disclaimer of the subject matter contained therein.

Applicant acknowledges and thanks the Examiner for indicating that claim 9 contains allowable subject matter. However, for reasons discussed below, it is believed that all of the claims are allowable. Accordingly, reconsideration is respectfully requested.

I. Objection to Specification

The Office Action objects to the specification for not providing proper antecedent basis for claims 1, 2 and 3. Claims 1, 2 and 3 have been amended to obviate the rejection. Accordingly, withdrawal of the objection of the specification is respectfully requested.

II. Object to the Claims

The Office Action objects to claim 1 based on formal matters. Claim 1 has been amended to obviate the objection. Accordingly, withdrawal of the object is respectfully requested.

III. The Claims Define Patentable Subject Matter

The Office Action rejects claims 4-7 under 35 U.S.C. §102(b) over Chan (U.S. Patent No. 6,142,767); rejects claim 4 under 35 U.S.C. §102(b) over Nitta (U.S. Patent No. 4,904,189); and rejects claims 1-3 under 35 U.S.C. §103(a) over Hsu (U.S. Patent No. 5,865,614) in view of Fremund (U.S. Patent No. 5,076,783). The rejections are respectfully traversed.

Regarding claim 1, Applicant respectfully asserts that neither Hsu nor Fremund, individually or in combination, disclose or suggest a guide means for guiding the operating member to move substantially linearly in a direction generally traversed to an axis of the lightening rod, but skewed backwards orthogonality.

Hsu instead discloses a cam-like sliding action between an operating lever 4 and a gas control element 5 (see Figs. 2-4). Therefore, Hsu does not disclose or suggest a guide means for guiding the operating member to move substantially linearly. Further, Hsu's operating element exhibits relatively little movement in the traverse direction and thus, as shown in Fig. 2 of Hsu, the piezo element 3 is placed longitudinally. Therefore, Hsu does not disclose or suggest the operating member moves substantially linearly in a direction generally traverse to the axis of the lightening rod, but skewed backward from orthogonality.

Fremund does not compensate for the above-noted deficiencies of Hsu. Fremund, at col. 1, lines 6-7, merely discloses that safety lighters come with different types of mechanisms adapted to render them safe or child proof.

Claim 4 incorporates the features of claim 9, which the Office Action on page 4 has indicated as containing allowable subject matter. Accordingly, Applicant asserts that claim 4 is now allowable.

Therefore, claims 1 and 4 define patentable subject matter. Claims 2-3 and 6-7 depend on the respective independent claims, and therefore define patentable subject matter. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(b) and §103(a) are respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-7 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,


William P. Berridge
Registration No. 30,024

Yong S. Choi
Registration No. 43,324

WBP:YSC/jam

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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